IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3901 OF 2006

Shakil Umar Dakhave & Ors. .. Applicants

Versus

State of Maharashtra .. Respondents

Mr.S.S.Sayyed i/b. M.s.Shraddha Mohite for applicant

Mr.V.B.Kondedeshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 14th November 2006.

P.C.

. From a perusal of the order passed by learned Vacation Judge, it appears that the

application was pre-mature. At the relevant point of time, neither a C.R. was registered nor the applicant had any apprehension of arrest.

2. When this application was placed before me, learned Advocate for applicant urges that now a C.R. has been registered. Applicant has been granted interim pre-arrest bail and the said protection should continue for some time.

3. As I have concluded that the application itself was pre-mature, there is no necessity of continuing the ad-interim order/pre-arrest protection any further. Application is dismissed as pre-mature. All interim/ad-interim orders to stand vacated.

4. However, if there is a C.R. registered and if the applicant is shown as an accused therein and the arrest is necessary, prosecution shall, in the peculiar facts of this case, issue

72 hours prior notice to the applicant to enable him to take out such proceedings as are permissible in law. All contentions of both sides are expressly kept open. Application dismissed as pre-mature with clarification and liberty as above.

(S.C.Dharmadhikari, J)